

MISC DJ No. 211/2026

HARSO STEEL PVT LTD VS COMRACK INFONET PVT LTD. ‘

06.03.2026

Present: Sh. Pankaj Singhal, Ld. Counsel for applicant on VC.

Main file received.

By way of present application, applicant/plaintiff is praying for modification thereby requesting for the restoration of original judgment/order dated 30.08.2024 and recalling/cancelling of the order dated 15.09.2025, whereby judgment/order dated 30.08.2024 was modified.

It has been contended in the application that vide judgment dated 30.08.2024 suit filed by the applicant/plaintiff was allowed and a decree for recovery of Rs. 2,01,939/- along with simple interest @ 9% p.a. was passed in favour of plaintiff/applicant. Subsequently, plaintiff/applicant found that decree should have been for Rs.2,49,835/- instead of Rs.2,01,939/- and therefore filed an application under Section 152 read with Section 151 CPC seeking modification of the judgment/decreed dated 30.08.2024 and the Ld. Predecessor of this court was pleased to allow the said application on 15.09.2025 thereby modifying the decretal amount from Rs.2,01,939/- to Rs.2,49,835/- and amended decree was prepared accordingly. It has been further pleaded that subsequently while pursuing the execution, applicant/plaintiff realised that even after order dated 15.09.2025, correct decretal amount was not mentioned in the said order and decree sheet prepared on 15.09.2025 and accordingly moved another

: 2 :

application under Section 152 read with Section 151 CPC before this court.

During the pendency of the said application, applicant/plaintiff realised that on account of his own misunderstanding, he unnecessarily caused the court to modify the judgment & decree dated 30.08.2024 by the order dated 15.09.2025. In fact, the order dated 30.08.2024 was correct and vide order dated 15.09.2025 at the instance of plaintiff/applicant, incorrect amount has been mentioned in the order dated 15.09.2025 and got amended decree prepared thereafter. It has been further stated that thereafter plaintiff/applicant withdrew the said application with liberty to approach this court again and accordingly, plaintiff/applicant has filed the present application for restoration of the original judgment & decree dated 30.08.2024 & recalling of modification order dated 15.09.2025 and decree in pursuance to order dated 15.09.2025.

Heard. File perused.

Plaintiff/applicant had filed suit for recovery of Rs.4,51,774/- comprising of Rs.2,49,835/- as principal and Rs.2,01,939/- as interest thereon calculated till the date of filing of the suit. Plaintiff/applicant herein had also claimed pendente lite and future interest @ 24 % p.a. On an application under Order XII Rule 6 CPC, the court vide order dated 03.04.2024 passed preliminary decree for the principal sum of Rs.2,49,835/- and put the matter for trial as to whether plaintiff/applicant was entitled to the interest of Rs.2,01,939/- on the principal amount as well as whether plaintiff/applicant was entitled to pendente lite and future interest, if so, at what rate.

: 3 :

After trial vide judgment dated 30.08.2024, Ld. Predecessor was pleased to decide the said issue in favour of the plaintiff/applicant and granting decree passed following reliefs:-

- “(i) Sum of Rs.2,01,939/- (Rupees Two Lacs One Thousand Nine Thousand Thirty Nine only) as outstanding amount of interest.
- (ii) Simple interest @ 9% per annum on the outstanding amount, from the date of filing of the present suit till actual realization.
- (iii) Costs of the suit.”

Plaintiff/applicant under mistaken impression that amount granted therein was the principal amount filed an application for modification and for passing an amended decree for the correct amount and the Ld. Predecessor vide order dated 15.09.2025 was pleased to allow the said application and passed following order:-

“I have perused the record including the plaint filed by the plaintiff in support of his claim and the prayer clause. The said assertion made by the plaintiff in the above application appears to be correct. Therefore, in the judgment/final order dated 30.08.2024, passed by Ld. Predecessor of this Court, instead of sum of Rs.2,01,939/- the figure should be read as Rs.2,49,835/- in clause (i) of the same. However, the other clauses (ii) and (iii) of the same shall remain as it is.”

Now, this court when another application was filed by plaintiff/applicant pointed out that the judgment & decree dated 30.08.2024 was only with respect to interest as the decree for the principal amount was already granted vide order dated 03.04.2024 on the application under Order XII Rule 6 CPC, plaintiff/applicant

: 4 :

realised the mistake, withdrew its said application and filed the present one.

In view of the aforesaid submissions and in view of mistaken understanding of the plaintiff/applicant, the order dated 15.09.2025 was got passed at his instance resulting into preparation of amended decree, in view of modification in the decree dated 30.08.2024, which was not at all required. Therefore, in these circumstances, the order dated 15.09.2025 and consequent amended decree dated 15.09.2025 is required to be recalled/cancelled and judgment & decree dated 30.08.2024 is required to be restored and it is accordingly hereby restored. The applicant/plaintiff's application stands **allowed**.

For the sake of clarity, it is hereby made clear that judgment & decree passed on 30.08.2024 is in operation and order dated 15.09.2025, which had modified the decree dated 30.08.2024 is no more in operation. Plaintiff/applicant is advised to obtain certified copy of the preliminary decree as well as the decree dated 30.08.2024 for the purpose of execution.

Ahlmad/Reader is hereby directed to write in red colour 'Cancelled' on the top of the amended decree prepared pursuant to order dated 15.09.2025.

Miscellaneous file be tagged with the main file and be consigned to Record Room after necessary compliance.

(HARISH KUMAR)
District Judge, Commercial Court-04
West District, Tis Hazari Courts
Delhi/06.03.2026